

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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STATE FARM LIFE AND ASSURANCE  
COMPANY, INC.,

Plaintiff,

v.

**ORDER**  
12-CV-380S

RONALD T. EPPS, DONTE R. SMITH,  
DOUGLAS JOHNSON, as Parent and Guardian  
of Travante D. Johnson, TRAVANTE D.  
JOHNSON, individually, MARY MOSS, as  
Guardian of Armontae Moss, ARMONTAE  
MOSS, individually, and MARY MOSS,  
individually and as Custodian Under New York  
Uniform Transfers to Minors Act for Donte R.  
Smith, Travante D. Johnson, and Armontae  
Moss,

Defendants.

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1. On May 23, 2013, this Court referred the present case to the Honorable Leslie G. Foschio, United States Magistrate Judge, to hear all dispositive motions and file a report and recommendation containing findings of fact, conclusions of law and a recommended disposition of any such motion pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). In July of that year, this Court accepted Judge Foschio's recommendation to grant Plaintiff's request for interpleader relief, permit the depositing of the contested funds, and dismiss Plaintiff from this action.

2. On October 17, 2013, Defendants Donte R. Smith, Armontae Moss, Mary Moss, and Travante D. Johnson moved for the entry of a default judgment in their favor against Defendant Ronald T. Epps. A default was previously entered against Epps by the Clerk of this Court on December 18, 2012.

3. On August 6, 2014, Judge Foschio filed a Report and Recommendation recommending that the moving Defendants' motion be denied.

4. No objections to the Report and Recommendation were received from any party within fourteen (14) days from the date of its service, in accordance with 28 U.S.C. § 636(b)(1)(C) and Rule 72(b) of the Federal Rules of Civil Procedure and the Local Rules of Civil Procedure of this Court.

IT HEREBY IS ORDERED, that this Court accepts Judge Foschio's Report and Recommendation (Docket No. 54) in its entirety and the moving Defendants' motion for a default judgment (Docket No. 43) is DENIED.

SO ORDERED.

Dated: August 30, 2014  
Buffalo, New York

/s/William M. Skretny  
WILLIAM M. SKRETNY  
Chief Judge  
United States District Court